

IN THE SUPREME COURT OF THE STATE OF NEVADA

PARICHER ADLI,
Appellant,
vs.
MICHAEL V. STUHFF, ESQ.,
Respondent.

No. 44144

FILED

DEC 16 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order granting summary judgment in an attorney malpractice case. Respondent has filed a motion to dismiss the appeal, and both parties have filed motions for sanctions.¹ Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

Having reviewed the record, we are not convinced that the district court erred in granting summary judgment in this case.² As a matter of law, any damages appellant suffered in the earlier case involving Peyman Zabeti arose from the wrongful foreclosure on her deed of trust and eviction of Zabeti after appellant failed to honor the contract she had signed to extend the time for foreclosure. Respondent did not represent appellant at that time. On March 21, 2001, respondent filed an

¹Although the parties were not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from them.

²See Wood v. Safeway, Inc., 121 Nev. ___, 121 P.3d 1026 (2005).

answer and counter-claim against Zabeti on appellant's behalf. Although the parties disagree as to whether respondent quit or was fired by appellant, the fact is undisputed that appellant filed a substitution of attorneys on January 10, 2002, when there was still adequate time to appeal from the district court's order finding that appellant had conducted a wrongful foreclosure and had wrongfully evicted Zabeti.³ Accordingly, the district court properly granted summary judgment in appellant's malpractice action and we affirm the district court's judgment.⁴

It is so ORDERED.⁵

Becker, C.J.
Becker

Douglas, J.
Douglas

Agosti, Sr. J.
Agosti

³Notice of entry of the district court's written order was served on or about January 2, 2002. Respondent also filed a motion for reconsideration of the order on the same day.

⁴In light of this order, we deny respondent's motion to dismiss and appellant's request to participate in a settlement conference as moot. We further deny both parties' motions for sanctions.

⁵The Honorable Deborah A. Agosti, Senior Justice, participated in the decision of this matter under a general order of assignment entered on July 14, 2005.

cc: Hon. Valorie Vega, District Judge
Paricher Adli
Michael V. Stuhff
Theodore P. Williams
Clark County Clerk